

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
June 22, 2021**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, June 22, 2021 via hybrid meeting. Mayor Pro Tem Darvin Harrell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell - *excused*

Trustees Present: Darvin Harrell
Whitney Oakley
Rich Pulliam - *excused*
Denice Smith - *excused*
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Alison Belcher, *Assistant Communications Director*
Daymon Johnson, *Capital Projects Director*
Steve Hebert, *Planning and Economic Development Manager*
Dan Giroux, *Town Engineer*
Melinda Culley, *Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Chris Clemens

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Darvin Harrell.

3. APPROVAL OF AGENDA

TRUSTEE VITTUM MOVED, TRUSTEE SUS SECONDED to approve the agenda as presented. The voting was as follows:

YES: Oakley, Sus, Vittum, Harrell

NO: None

EXCUSED: Pindell, Pulliam, Smith

Mayor Pro Tem Darvin Harrell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE VITTUM MOVED, TRUSTEE OAKLEY SECONDED to approve the consent agenda as presented.

YES: Sus, Vittum, Harrell, Oakley

NO: None

EXCUSED: Pindell, Pulliam, Smith

Mayor Pro Tem Darvin Harrell declared the motion carried by unanimous vote.

A. Action: Approval of June 8, 2021 Regular Meeting Minutes

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. REGULAR BUSINESS

A. Action/Discussion

1. Option to Purchase – Kiowa Creek Preserve

Resolution No. 875-21 – An Resolution Approving an Option to Purchase Agreement

Rachel Summers, Deputy Town Administrator, reported to the Board of Trustees on March 23, 2021, the Board directed staff on negotiations to purchase an estimated 156 acres within the Kiowa Creek Preserve, generally referred to as MacLennan Open Space. The limitations subject to the negotiations were honored and agreeable by all parties.

In consideration for the Town's payment of two thousand five hundred dollars (\$2,500), the Owner, Kiowa Creek Preserve Holdings, LLC, grants to the Town the exclusive option to purchase the aforementioned acreage. Upon execution of the Option to Purchase Agreement, are the following terms:

- The \$2,500 Option Money shall be applied to the purchase price of the Option Property at closing.
- The Option Period shall run for nine (9) months, beginning no later than June 22, 2021, and terminating at 11:59 p.m. on March 21, 2022.
- The Town shall obtain a boundary survey for the final determination of the property size and location at the Town's own sole cost and expense. When such survey is complete, it will be the Town's responsibility to provide a new exhibit of the legal descriptions and a surveyor's drawing depicting the final Option Property.

- During the Option Period, the Town shall be provided with full access to the Option Property and permitted to inspect and examine the Option Property and improvements thereon, including, without limitation, zoning, drainage, flood control, water, sewage, electricity, gas and other utility connections, economic feasibility, construction suitability, submittals, the parcel map and any other matter, element or concern to the operation of the Option Property.
- The Town shall have the right to perform any environmental assessment or any other investigation that would drill, extract or physically alter or change the condition of the Option Property; provided that Town shall restore the Option Property, if necessary, to its original condition promptly after completing its inspection work and any testing of the Option Property.
- In its sole discretion, the Town may exercise this Option to Purchase at any time during the Option Period by approving an Ordinance authorizing payment for the purchase of the Option Property and delivering written notice of such election to exercise the Option to Owner.
- If the Option to Purchase is exercised, the purchase price shall be six hundred thousand dollars (\$600,000), plus or minus closing adjustments, including the Option Money to be applied to the Purchase Price, and shall be paid in funds available for immediate withdrawal at the time of closing.

As identified in the Town of Bennett Comprehensive Plan, the Option Property provides preservation of open space, farmland and areas with environmental significance to the region, which is a guiding principle for the core values of this community.

Ms. Summers reported the full transaction will include the water rights which will be transferred to the Town of Bennett.

TRUSTEE OAKLEY MOVED, TRUSTEE SUS SECONDED, to approve Resolution No. 875-21 – A resolution authorizing the Mayor to execute the Option to Purchase Agreement with Kiowa Creek Preserve Holdings, LLC, and further authorizing to negotiate and approve on behalf of the Town such revision to the Option as the Mayor and Town Administrator determines are necessary or desirable for the protection of the Town, so long as the essential terms and conditions of the Option are not altered. Voting was as follows:

YES: Vittum, Harrell, Oakley, Sus

NO: None

EXCUSED: Pindell, Pulliam, Smith

Mayor Pro Tem Darvin Harrell declared the motion passed by unanimous vote.

2. Urban County Intergovernmental Agreement (IGA) with Adams County

Trish Stiles, Town Administrator, reported to the Board of Trustees, In 1974 the U.S. Congress enacted the Housing and Community Development Act of 1974, as amended ("CDBG Program"), permitting and providing for the participation of the Federal government in a wide range of local housing and community development activities and programs, which activities and programs are administered by the U.S. Department of Housing and Urban Development ("H.U.D.") and funded annually through the Community Development Block Grant ("CDBG");

and the HOME Investment Partnerships Program ("HOME") enacted under Title II (42 U.S.C. 12701-12839) of the Cranston-Gonzalez National Affordable Housing Act.

The primary objective of the Programs is the development of viable urban communities by providing decent housing and a suitable living environment and the expansion of economic opportunities, mainly for persons of low-and moderate-income. H.U.D. rules and regulations governing the CDBG Program, provide that a county must qualify as an Urban County, and submit to H.U.D. an annual request for funding in the form of a Consolidated Plan. Adams County has qualified as an Urban County since the Federal fiscal year 1986 and has requalified every three (3) years thereafter.

Eligible cities and units of local government within Adams County must enter into an intergovernmental or cooperative agreement and may thereby be included in the Urban County's CDBG Program. Eligible cities include the Cities of Brighton, Federal Heights, Northglenn, **Town of Bennett**, and Adams County (unincorporated areas), referred to as URBAN COUNTY MEMBERS.

- Much of the language in the IGA is derived from standardized language that H.U.D. will require and may not be changed or negotiated.
- The initial term of this Agreement shall be for three (3) program years, beginning October 1, 2022, and ending September 30, 2025. This Agreement shall automatically be renewed for an additional three (3) year terms unless any PARTY provides written notice that it elects not to participate in a new, or next, qualification period.
- Individually receive a formula allocation under the HOME Program only through the Urban County. Thus, even if the Urban County does not receive a HOME formula allocation, the URBAN COUNTY MEMBERS cannot form a HOME Consortium with other local governments.
- Will cooperate and work with the County in the preparation of detailed projects and other activities.

Staff recommends the Board of Trustees approve the Intergovernmental Agreement with Adams County for the Conduct of the Community Development Block Grant Program, and have determined that it would be mutually beneficial and in the public interest to enter into this Agreement.

Trustee Vittum stated for the record he would be voting no on the IGA based on the 10th Amendment of the U.S. Constitution and the entirety of H.U.D. program is a violation of the U.S. Constitution.

TRUSTEE SUS MOVED, TRUSTEE OAKLEY SECONDED to approve the Intergovernmental Agreement with Adams County for the Conduct of the Community Development Block Grant Program. The voting was as follows:

YES:	Harrell, Oakley, Sus
NO:	Vittum
EXCUSED:	Pindell, Pulliam, Smith

Mayor Pro Tem Darwin Harrell declared the motion passed 3 to 1.

3. Colorado (CO) Highway 79 and Marketplace Drive Intersection – Mast Arm Contract

Daymon Johnson, Capital Projects Director, reported to the Board of Trustees, during the May 25, 2021 board meeting, Town staff presented and received approval of a contract to purchase with Illumination Systems (ISI) for the fabrication and delivery of the mast arms for the CO Highway 79 and Marketplace Drive intersection project.

Mr. Johnson reported to the Trustees that MillerBernd is the supplier for ISI, for the mast arms and poles. In order for ISI to fabricate then sell the mast arms to the Town different building insurance requirements would be required for ISI. Based on the building insurance requirements ISI canceled the contract with the Town of Bennett. Staff is recommending a new contract be entered into with MillerBernd for the mast arm product. If approved the new contract with MillerBernd would be an amount not to exceed \$75,779, for the direct purchase and delivery of the mast arms and poles for the CO Highway 79 and Marketplace Drive intersection due to the rise of the cost of materials.

TRUSTEE VITTUM MOVED, TRUSTEE SUS SECONDED to authorize the Town Administrator to execute a contract with MillerBernd Manufacturing Company, in a not-to-exceed-amount of \$75,779, for the direct purchase and delivery of the mast arms for the Highway 79 & Marketplace intersection project. The voting was as follows:

YES: Oakley, Sus, Vittum, Harrell

NO: None

EXCUSED: Pindell, Pulliam, Smith

Mayor Pro Tem Darvin Harrell declared the motion carried by unanimous vote.

4. Town of Bennett Water Restrictions

Resolution No. 876-21 – A Resolution Limiting the Hours of Outdoor Watering

Trish Stiles, Town Administrator, reported to the Board of Trustees, she recently met with the Public Works department who observed significant watering during the heat of the day. Watering during the heat of the day is ineffective as the water evaporates.

Ms. Stiles reported to the Trustees it is crucial for the Town's water wells to replenish during the day. Based on reports from the summer of 2020 and currently for 2021 staff is proposing that watering be limited if not prohibited from the hours of 10 am – 6 pm to curtail water waste.

TRUSTEE OAKLEY MOVED, TRUSTEE SUS SECONDED to approve Resolution No. 876-21 – A resolution limiting the hours of outdoor watering except that section 1 of the resolution shall be amended to allow hand watering of landscaped areas be allowed between the hours of 10 am and 6 pm. The voting was as follows:

YES: Sus, Vittum, Harrell, Oakley

NO: None

EXCUSED: Pindell, Pulliam, Smith

Mayor Pro Tem Darvin Harrell declared the motion passed unanimously.

6. TOWN ADMINISTRATOR REPORT

Town Administrator

Trish Stiles, Town Administrator reported on the following:

- With a very heavy heart Ms. Stiles read for the record correspondence from Trustee Pulliam:
"Dear Mayor, Fellow Trustees, and Town Staff:
It is with regret that I must resign from the Bennett Town Board effective immediately. As many of you are aware, I am relocating to California for work and personal reasons.
I have thoroughly enjoyed the last 17 years of involvement with the Town of Bennett government in my variety of roles. I am proud of the work that has been done by all my past and present fellow board members and planning commissioners. I am especially proud of the team of professionals serving at the staff level that has been recruited and developed over the past several years. The government of the Town of Bennett is truly a model for good governance at the local level.
I am confident that the Town of Bennett is truly well positioned to grow in a smart fashion with key elements such as master planning, infrastructure, water, and commercial tax base recruitment coming together marvelously. I look forward to watching Bennett thrive.
Be well, and do not hesitate to reach out at any time.
Cheers,
Rich Pulliam"
- In regards to the resignation of Trustee Pulliam, and certain requirements to fill the vacancy, Ms. Stiles recommended the Board of Trustees have further discussion during the regular board meeting on July 13th, 2021. Ms. Stiles expressed to the Board that Trustee Pulliam "Will be truly missed".
- Attended the monthly check-in with CDOT (Colorado Department of Transportation).
- Two FTE (Full Time Employee) Community Service Officer (CSO) positions have been posted on the Town website. Deb Merkle is the acting as the interim Code Enforcement/Animal Control Officer.
- Dollar General has submitted a land use application.
- DOLA Best and Brightest – Steve Keen will be joining the Town as an intern starting July 6th.
- Ms. Stiles, Rachel Summers, and Taeler Houlberg are attending the Colorado State Managers Association Conference in Glenwood Spring June 23-25th.
- Staff is in discussion about a ribbon cutting / re-opening when all renovations/improvements are complete at the Bennett Community Center. The parking lot re-pavement is complete, parking lot lights are delayed, the kitchen is slated for a renovation in the near future.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Larry Vittum

Trustee Vittum reported on the following;

- Attended DRCOG on June 16, 2021. Primary discussion surrounded Metro Vision.
- Governor Polis signed SB260 on June 17th, 2021. How can the Town of Bennett access these funds?

8. ADJOURNMENT

TRUSTEE VITTUM MOVED, TRUSTEE SUS SECONDED to adjourn the meeting. The meeting was adjourned at 7:44 p.m. Voting was as follows:

YES: Vittum, Harrell, Oakley, Sus

NO: None

EXCUSED: Pindell, Pulliam, Smith

The Mayor declared the motion carried by unanimous vote.

DocuSigned by:
Christina Hart
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Christina Hart, Town Clerk

DocuSigned by:
Royce D. Pindell
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Royce D. Pindell, Mayor